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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN BA, PAUL H

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,589

Applicant(s)

KELSEY, JULIAN BENJAMIN

Examiner

Paul Nguyen-Ba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/11/2005 has been entered.

2. Claims 1, 3-9, 11-17 and 19-24 are currently pending. Claims 1, 9, and 17 are independent claims.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Australian Application PQ 4799, filed on December 22, 1999.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. **Claims 1, 3-9, 11-17 and 19-24 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 9, and 17, Applicant claims a “*link-back element*, which links back to a *parent element*...” In a hierarchical tree data structure, a parent element (or node) is defined as a node to which one or more other nodes are immediately subordinate. In other words, the link between a parent and child node must be in a vertical fashion within a hierarchical tree structure. Moreover, it is well known to skilled artisans that a node can have **at most** one parent node.

Directing Applicant’s attention to Fig. 2F of the instant application, one can see that following the accepted meaning of “link[ing] back to a parent element”, the 218 node would be linked back to its one parent node, 214. This however, is in contradistinction to specification and drawings submitted. For example, Fig. 2F shows node 218 referencing (or “linking”, for lack of a better term) sibling node 208, which is on the same level or depth as the 218 node. The submitted specification also refers to “linking-back” to an original node (pg. 14), not the parent node as specified in the instant claims.

For the purpose of further examination, the Office must consider the invention in light of the immediate claim language set forth and, thus, considers said limitation as referring to “link[ing] back to a parent element” as generally understood by those of skill in the art as discussed above.

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Claims 3-8, 11-16, and 19-24, are dependent upon claims 1, 9, and 17, and therefore likewise rejected.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 4-9, 12-17 and 20-24 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Lynch et al. ("Lynch"), U.S. Patent No. 6,558,431, in view of Scott Robert Ladd ("Ladd"), *C++ Templates and Tools*, 2nd Ed., M&T Books, Copyright © 1996, pp. 187-215.

Regarding independent claims 1, 9, and 17, Lynch discloses:

A method, apparatus, and computer readable medium to restructure an input HTML document to comply with strict HTML (refer to Title and Abstract), comprising:

linearly traversing the input HTML document to create a hierarchical tree structure representation, the traversal maintaining a current insertion point for elements within the tree structure representation (col. 3, lines 12-16; col. 4, lines 40-50; see also Figure 7 → The file is read and interpreted by a parser, which uses the validator during interpretation. The parser forms the hierarchical internal tree for the HTML document, with formatting and other information attached to text or tag nodes of the tree);

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during the traversal, identifying elements of the input HTML document that violate strict HTML (col. 6, lines 4-21 → validator comprises a "strict validation table"):

...;
...;
...;
...;

converting the tree structure representation into an output HTML document (col. 4, lines 50-57, col. 5, lines 24-36).

Lynch implicitly, but does not explicitly disclose:

retracing the tree structure representation from the current insertion point to identify a further insertion point from which the identified element can depend, the retracing comprising noting each parent element of the identified element passed during the retracing;

appending the identified element at the further insertion point, creating new elements in the tree structure representation corresponding to the parent elements passed during the retracing, the new elements being created in reverse chronological order to that encountered during the retracing; appending each new element to the identified element as a corresponding link back element to the corresponding parent element encountered during retracing.

However, Ladd discloses:

retracing the tree structure representation from the current insertion point to identify a further insertion point from which the identified element can depend, the retracing comprising noting each parent element of the identified element passed during the retracing (see pgs. 193-194, 199-206, 208-215 → Insertion and Iterators);

appending the identified element at the further insertion point (see pgs. 190, 208-211 → Insertion),

creating new elements in the tree structure representation corresponding to the parent elements passed during the retracing, the new elements being created in reverse chronological order to that encountered during the retracing (see pg. 203 → RecursiveCopy);

appending each new element to the identified element as a corresponding link back element to the corresponding parent element encountered during retracing (see pgs. 193-194, 199-206, 208-215 → Recursive Binary Tree: Insertion and Iterators → child elements are linked-back to their parent element).

Therefore, since Ladd and Lynch are both from the same field of endeavor, the purposes disclosed by Ladd would have been recognized in the pertinent art of Lynch. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Lynch with the teachings of Ladd for the express motivational purpose of appending or inserting newly created nodes into a hierarchical data structure, recursively, while maintaining the relationships between the structured nodes.

Regarding claims 4, 12, 20, Lynch further discloses:

copying a syntax of the first parent element encountered during the retracing to the appended element (col. 2, lines 8-31, col. 3, lines 12-23; col. 4, lines 40-50; see also Fig. 3 → HTML standard only allows preset rules governing the formation of a systematic orderly arrangement, which is reflected in the syntax when children elements are appended to a parent node).

Regarding claims 5, 13, 21, Lynch further discloses one or more of *the* elements comprises information associated therewith, comprising:

performing an initial pass of the input HTML document to identify the elements having the associated information, and maintaining a record of each such element and the corresponding associated information whereby each time the element is placed in the tree structure representation, the corresponding associated information is associated therewith (col. 3, lines 12-23; col. 4, lines 40-50 → formatting information and other information is attached to each text or tag node).

Regarding claims 6, 14, 22, Lynch discloses the further step of *reproducing the output HTML document* (col. 5, lines 24-36 → editor uses generator to form the HTML document from the tree).

Regarding Claims 7, 15, 23, Lynch further discloses *output HTML document being reproduced using a video display* (col. 5, lines 11-23; see also Fig. 11 → “what-you-see-is-what-you-get” view).

Regarding claims 8, 16, 24, Lynch does not specifically disclose *output HTML document being reproduced using a printer*. However, it was commonly known to those of ordinary skill in the art that reproducing output via a printer is commonly accepted means of converting the displayed text, graphics, etc. into a hard-copy paper version.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate a printer to the teaching of Lynch for the purpose of converting the displayed HTML output into a hard-copy paper version.

8. **Claims 3, 11, and 19 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Lynch et al. (“Lynch”), U.S. Patent No. 6,558,431, in view of Miles et al. (“Miles”), U.S. Patent No. 6,035,326.

Regarding claims 3, 11, 19, Lynch discloses *creating a link from the appended identified element to a first the parent element encountered during the retracing* (see Figs. 2, 3, 4A, 5), but does not specifically disclose wherein the link comprises a vector.

However, Miles discloses that each component of the vector represents a link to list of subdomain tree roots (col. 3, lines 29-37) for the purpose of providing quick and efficient hierarchical table lookups (col. 1, lines 9-13, 59-61).

Since Miles and Lynch are both from the same field of endeavor, the purposes disclosed by Miles would have been recognized in the pertinent art of Lynch. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Lynch with the teachings of Miles to include a vector for the links for the purpose of providing quick and efficient hierarchical tree lookups.

Response to Arguments

9. Regarding Applicant's request for an initialed copy of the PTO-1449 form from the first IDS filed on March 3, 2003, the Office has no record of said PTO-1449 form. The Office recognizes an IDS correspondence letter with references submitted on that date. However, the Office's databases do not show the correspondence having an attached PTO-1449 form. Please kindly resubmit said PTO-1449 form for formal acknowledgment of the already considered references.

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10. Applicant's arguments filed on 6/29/2005 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094. The examiner can normally be reached on 11 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
8/7/2005